



CLOSED CASE SUMMARY

ISSUED DATE: SEPTEMBER 29, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2023OPA-0147

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #2

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #3

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #4

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

Named Employee #5

Allegation(s):		Director's Findings
# 1	5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing	Not Sustained - Unfounded (Expedited)

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

The Complainant alleged that Named Employees #1-5's (NE #1-5) incident reports included sexist language constituting biased-base policing.



ADMINISTRATIVE NOTE:

This case was approved for Expedited Investigation. That means OPA, with the Office of Inspector General's (OIG) agreement, believed it could issue recommended findings based solely on its intake investigation without interviewing the named employees. As such, OPA did not interview the named employees in this case.

On July 18, 2023, OIG found OPA's investigation thorough and objective but untimely. Specifically, OIG determined that 5-day notices and an updated classification notice were untimely sent to the named employees. OPA acknowledges these notices were not timely. Ultimately, OPA notes that the delay did not impact the thoroughness or objectivity of this expedited investigation and that the investigation was completed within 180 days as required by ordinance and collective bargaining agreements.

SUMMARY OF INVESTIGATION:

OPA received an OPA complaint and opened an intake investigation, reviewing the OPA complaint, computer-aided dispatch (CAD) call reports, incident reports, and a decline notice. OPA also interviewed the Complainant.

A. OPA Complaint

Witness Supervisor #1 (WS#1)—a sergeant—filed an OPA complaint on the Complainant's behalf. WS#1 wrote that the Complainant reported that Seattle Police Department (SPD) officers were "sexist" and "misogynistic" toward her. The Complainant suggested that several incident reports evidenced bias. WS#1 wrote that the Complainant did not identify a specific officer.

OPA identified five incidents associated with the Complainant, summarized below.

B. Incident #1

Community Member #1 (CM#1) is the Complainant's former significant other with whom he has two children. CM#1 called 9-1-1 on May 16, 2022. CAD call remarks noted, "[INVESTIGATE REPORTING PARTY] SAYING MOTHER OF CHILDREN IS IN VIOLATION OF PARENTING PLAN AND PROTECTION ORDER, HAS A COPY OF PARENTING PLAN, NO WEAPONS KNOWN, OTHER PARTY NOT THERE CURRENTLY." The call's disposition was "Arguments, Disturbance (No Arrest)."

NE#3 wrote an incident report. NE#3 wrote that on May 16, 2022, at 1:37 PM, CM#1 called 9-1-1 to report a parenting plan violation. CM#1 reported that he had a court-ordered parenting plan with the Complainant concerning their children, the Complainant had a protection order against CM#1, and CM#1 was supposed to pick up his children at a 7-Eleven store. CM#1 reported that the Complainant attempted to speak with CM#1, but CM#1 ignored the Complainant due to the protection order. NE#3 wrote, "[The Complainant] became angry with [CM#1] and ordered the children to get back into [the Complainant's] vehicle, which they did." CM#1 reported that he did not get to be with his children as permitted under the parenting plan. CM#1 wanted the incident documented so he could ask the court to modify the parenting plan.



C. Incident #2

The Complainant called 9-1-1 on May 29, 2022. CAD call remarks noted, “[REPORTING PARTY REQUESTED] TO REPORT CUSTODIAL INTERFERENCE, [REPORTING PARTY’S BOYFRIEND] HAS NOT SHOWN UP TO DROP OFF THEIR 3 CHILDREN AT THE 711, SUSPECT HAS NOW TURNED OFF HIS PHONE, [REPORTING PARTY] ALSO HAS PROTECTION ORDER AGAINST SUSPECT, NO [WEAPONS], NO HIGH/[INTOXICATION].” The call’s disposition was “Arguments, Disturbance (No Arrest).”

NE#1 wrote an incident report. NE#1 documented the Complainant’s and CM#1’s parental plan arrangement. Under that arrangement, the Complainant drops her children off at a 7-Eleven at noon on alternating Sundays. The Complainant returns at 6:00 PM to pick them up. The Complainant and CM#1 are unpermitted to leave their vehicles or contact each other during the exchange.

NE#1 wrote that on May 29, 2022, at around 9:00 PM, NE#1 responded to the Complainant’s apartment. The Complainant reported dropping her children off with CM#1 at noon. The Complainant reported running late to pick them up, so she called and texted CM#1 several times to alert CM#1. The Complainant reported that CM#1 did not respond, arrived at the 7-Eleven at 6:00 PM and left, and arrived at 7:15 PM to drop off the children. NE#1 wrote that the Complainant showed officers text messages from herself to CM#1, saying that CM#1 never responded and only picked up and returned the children at the designated location and times. NE#1 wrote, “[The Complainant] was informed how [CM#1] was doing nothing wrong and his actions were that of someone who is attempting to abide by the protection order and not break the law.”

D. Incident #3

CM#1 called 9-1-1 on June 20, 2022. CAD call remarks noted, “PARENT VIOLATING PARENTING PLAN [OCCURRED] 6/19/22 [REPORTING PARTY] WAS SUPPOSE[D] TO MEET OTHER PARENT AT 1200 [HOURS], AND THEY DID NOT SHOW UP, [REPORTING PARTY] HAS NOT BEEN ABLE TO GET IN CONTACT WITH THEM, OTHER PARENT HAS A [NO-CONTACT ORDER] AGAINST [REPORTING PARTY], CALL [REPORTING PARTY] UPON ARRIVAL.” The call’s disposition was “Assist Victim By Court Order.”

NE#4 wrote an incident report. NE#4 documented the Complainant’s and CM#1’s parenting plan, which “allows [CM#1] to have their children every other weekend and for listed holidays to include Father’s Day.” NE#4 wrote that on Father’s Day, June 19, 2022, the Complainant and CM#1 agreed to custody exchange the children in north Seattle. CM#1 reported that he arrived, but the Complainant did not. CM#1 reported that he could not contact the Complainant or see his children. NE#4 wrote, “[The Complainant] violated the stipulations of the court-ordered parenting plan. [CM#1] requested a police report for documentation.”

E. Incident #4

CM#1 called 9-1-1 on June 26, 2022. CAD call remarks noted, “[TRANSFER] FROM [THE KING COUNTY SHERIFF’S OFFICE], [REPORTING PARTY’S] CHILD[’]S MOTHER WAS SUPPOSED TO DROP OFF CHILDREN AT 7-11 AT 1200. [REPORTING PARTY] CONCERNED ABOUT THE CHILDREN[’]S [WELFARE]. NOT SUPPOSED TO CALL THE FEMALE. NO [WEAPONS] KNOWN.” The call’s disposition was “Kidnap – Custodial Interference.”



NE#2 wrote an incident report. NE#2 wrote that on June 26, 2022, at 8:06 PM, he called CM#1. CM#1 reported that he went to pick up his children, but the Complainant did not arrive. CM#1 said he had not seen his kids for two weeks. NE#2 wrote that he called the Complainant, who gave her account. NE#2 wrote, “[The Complainant] said she has been having issues with [CM#1] about picking up the children.” The Complainant reported that she changed the drop-off location due to work but believed CM#1 “was not going to bring the kids to her at her work location. [The Complainant] said she decided to leave because she felt [CM#1] was not going to bring [the children] back to her and would try to use it against her later.”

F. Incident #5

The Complainant called 9-1-1 on August 15, 2022. CAD call remarks noted, “SEE [REPORTING PARTY] OVER [NO-CONTACT ORDER] VIOLATION WITH CHILDREN[']S FATHER, CHILDREN WITH [REPORTING PARTY], PICKUP [LOCATION] NEARBY BUT FATHER DOES NOT KNOW EXACT [ADDRESS], NOT EXPECTED TO SHOW UP, NO KNOWN [WEAPONS].” The call’s disposition was “Arguments, Disturbance (No Arrest).”

NE#5 wrote an incident report. NE#5 wrote that on August 15, 2022, at 12:15 PM, the Complainant reported that her children told her that CM#1 swabbed their mouths for a blood sugar test. NE#5 wrote that the Complainant “got upset” and believed CM#1 conducted a DNA test. NE#5 wrote that the Complainant texted CM#1, knowing that CM#1 could not respond due to the protection order. The Complainant alleged that CM#1 violated the protection order by pretending to “butt dial” her. NE#5 wrote that there were prior history and reports between the Complainant and CM#1 “where [CM#1] has always followed the protection plan and parenting plan, but [the Complainant] has tried to change the parenting plan exchange location and contacting [CM#1] knowing that he cannot contact her back due to the protection plan.” NE#5 wrote that he advised the Complainant that she should modify the parenting plan to allow contact if she wanted to change the visitation exchange.

The Criminal Division of the Seattle City Attorney’s Office declined to file criminal charges against CM#1 for violating the no-contact order by CM#1 pretending to “butt dial” the Complainant.

G. OPA Interview

OPA interviewed the Complainant. The Complainant felt police reports were biased and “misogynistic” and believed CM#1 used the police to obtain favorable rulings in court proceedings. The Complainant said one of the police reports characterized her as “angry,” portraying her in a poor light to the court. The Complainant said the judge always sided with CM#1. The Complainant said CM#1 called the police several times about parenting plan violations, lied, and distorted changes in the custody exchanges. The Complainant said CM#1 called the police every time the Complainant deviated from the parenting plan, while she did not when CM#1 deviated. The Complainant took issue with NE#5’s incident report, saying it was biased based on her gender. The Complainant believed her claim was not taken seriously, and the incident report did not document the crime she reported. The Complainant requested that officers be mindful, fair, and impartial when writing their reports.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing



The Complainant alleged that NE#1 engaged in biased-based policing.

SPD policy prohibits biased policing, defined as “the different treatment of any person by officers motivated by any characteristic of protected classes under state, federal, and local laws as well other discernible personal characteristics of an individual.” SPD Policy 5.140-POL. This includes different treatments based on the gender of the subject. *See id.*

Here, the Complainant alleged that NE#1 wrote a biased incident report due to the Complainant’s gender. In his incident report, NE#1 wrote that he informed the Complainant that CM#1 did nothing wrong and his actions were an attempt to comply with the protection order. OPA reviewed NE#1’s incident report and found NE#1’s statement was a reasonable interpretation of the facts as reported by the Complainant. There is no evidence to suggest NE#1 treated the Complainant differently based on her gender, conducted an inadequate primary investigation, or otherwise engaged in bias-based policing.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #2 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#2 engaged in biased-based policing.

Here, the Complainant alleged that NE#2 wrote a biased incident report because of the Complainant’s gender. In his incident report, NE#2 documented the Complainant’s concerns regarding custody exchanges with CM#1. OPA reviewed NE#2’s incident report. There is no evidence to suggest NE#2 treated the Complainant differently based on her gender, conducted an inadequate primary investigation, or otherwise engaged in bias-based policing.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #3 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#3 engaged in biased-based policing.

Here, the Complainant alleged that NE#3 wrote a biased incident report because of the Complainant’s gender. In his incident report, NE#3 wrote that the Complainant became “angry” with CM#1 when CM#1 ignored the Complainant to comply with a protection order. OPA reviewed NE#3’s incident report. NE#3 characterized the Complainant as “angry” based on what CM#1 reported to NE#3. NE#3 described the Complainant as “angry” to fairly document what he was told, not to reflect bias against the Complainant’s gender. There is no evidence to suggest NE#3 treated the Complainant differently based on her gender, conducted an inadequate primary investigation, or otherwise engaged in bias-based policing.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).



Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #4 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#4 engaged in biased-based policing.

Here, the Complainant alleged that NE#4 wrote a biased incident report because of the Complainant's gender. In his incident report, NE#4 wrote that the Complainant violated the stipulations of the court-ordered parenting plan. OPA reviewed NE#4's incident report. NE#4's opinion that the Complainant violated the parenting plan was not based on the Complainant's gender. Instead, it was NE#4's interpretation of the information he was provided. There is no evidence to suggest NE#4 treated the Complainant differently based on her gender, conducted an inadequate primary investigation, or otherwise engaged in bias-based policing.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**

Named Employee #5 – Allegation #1

5.140 – Bias-Free Policing, 5.140-POL-2. Officers Will Not Engage in Bias-Based Policing

The Complainant alleged that NE#5 engaged in biased-based policing.

Here, the Complainant alleged that NE#5 wrote a biased incident report because of the Complainant's gender. In his incident report, NE#5 wrote that the Complainant "got upset," tried to change the parenting plan, and attempted to contact CM#1 knowing that CM#1 could not respond due to the protection order, while CM#1 always complied with the parenting plan and protection order. OPA reviewed NE#5's incident report. NE#5's opinions that the Complainant "got upset," tried to change the parenting plan, and attempted to contact CM#1 were not based on the Complainant's gender. Instead, it was a reasonable interpretation of the reported accounts and his observations. There is no evidence to suggest NE#4 treated the Complainant differently based on her gender, conducted an inadequate primary investigation, or otherwise engaged in bias-based policing.

Accordingly, OPA recommends this allegation be Not Sustained – Unfounded (Expedited).

Recommended Finding: **Not Sustained - Unfounded (Expedited)**